IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:22-CR-11-MOC-WCM

UNITED STATES OF AMERICA,)	
)	
v.)	ORDER
)	
KATIE JEANNE JOHNSON,)	
)	
Defendant.)	
)	

This matter is before the Court on an Unopposed Motion to Delay Transport and to Hold Competency Hearing by Video Teleconference (the "Motion," Doc. 15), filed on May 9, 2023 by defense counsel. A hearing on the Motion was conducted on May 11, 2023. The Government was represented by Special Assistant United States Attorney Annabelle Chambers. Defendant was represented by Assistant Federal Public Defender Mary Ellen Coleman. The Court ruled orally on the Motion at the conclusion of the hearing. This Order memorializes that ruling.

For the reasons stated in the Motion and discussed during the hearing, the undersigned is persuaded that, to the extent the Motion requests that Defendant remain at FMC Carswell pending receipt and review of the forthcoming psychological evaluation, it should be allowed. The undersigned also concludes that the issue of whether the competency hearing required by

18 U.S.C. §4241 should be conducted by video teleconference and, if so, what the particular arrangements for such a hearing would be, should be addressed further after the psychological report has been received and reviewed by the parties and the Court and it has been determined whether the competency hearing will be a contested proceeding.

IT IS THEREFORE ORDERED THAT:

- 1. To the extent the Unopposed Motion to Delay Transport and to Hold Competency Hearing by Video Teleconference (Doc. 15) requests that Defendant remain at FMC Carswell, it is **GRANTED** and the Bureau of Prisons and the United States Marshal's Service are **RESPECTFULLY DIRECTED** to continue to hold Defendant at FMC Carswell and not transport her to this district until further Order of the Court.
- 2. To the extent the Motion requests that a hearing on the issue of Defendant's competency be conducted remotely by video teleconference, it is **HELD IN ABEYANCE**.
- 3. The Clerk is **RESPECTFULLY DIRECTED** to set a status conference promptly after the psychological report is received during which the parties may be heard further on the question of whether a competency hearing should be conducted remotely and, if so, what the logistics of that arrangement should be.

4. The Clerk is also **RESPECTFULLY DIRECTED** to transmit a copy of this Order to Defendant's licensed clinical psychologist and/or the warden at FMC Carswell, as well as the United States Marshal's Service.

Signed: May 11, 2023

W. Carleton Metcalf

United States Magistrate Judge